

**BEFORE THE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE AT CHENNAI.**

Original Application No.90 of 2023

In the matter of:

Shri S.P. Surendranath Karthik,
S/o. K.R. Subramanian,
No.9, Lake View Street,
Iyappa Nagar, Madipakkam,
Chennai- 600 091.

...Applicant

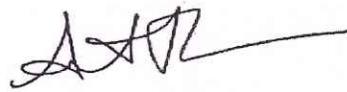
Vs

1. The Block Development Officer,
Kalasappakam – vilvarani Link Road,
Kalaspakkam, Tiruvannamalai,
Tamil Nadu- 606 751 & 3ors.

...Respondents

INDEX

S.No	Description	Page No.
1.	REPLY FILED ON BEHALF OF THE 4 TH RESPONDENT - TAMIL NADU POLLUTION CONTROL BOARD	1-58



Filed by
Thiru.S. Sai Sathya Jith,
Advocate, Chennai.

**BEFORE THE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE AT CHENNAI**

Original Application No.90 of 2023

In the matter of:

Shri S.P. Surendranath Karthik,
S/o. K.R. Subramanian,
No.9, Lake View Street,
Iyappa Nagar, Madipakkam,
Chennai- 600 091.

...Applicant

Vs

1. The Block Development Officer,
Kalasappakam – vilvarani Link Road,
Kalaspakkam, Tiruvannamalai,
Tamil Nadu- 606 751
Email: bdokal.tntvm@nic.in
2. The Tahsildar,
Kalasappakam – vilvarani Link Road,
Kalaspakkam, Tiruvannamalai,
Tamil Nadu- 606 803
Email: tahklp.tntvm@nic.in
3. The Collector of Tiruvannamalai
Collectorate,
Vengikkal
Tiruvannamalai- 606 604.
Email: collrtvm@nic.in
4. The District Environmental Engineer,
Tiruvannamalai
Tamil Nadu Pollution Control Board,
541/B, Ashok Nagar, Vengikkal,
Tiruvannamalai District – 606 604.
Email: tnpcb.tvm@gmail.com

...Respondents

**REPLY FILED ON BEHALF OF THE 4TH RESPONDENT-
TAMIL NADU POLLUTION CONTROL BOARD**

I, R. Sarasavani, Daughter of Thiru. J. Raghavan, Hindu, aged about 58 years having office at No.76, Mount Salai, Guindy, Chennai-600 032, do hereby solemnly affirm and sincerely state as follows:

1. I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai and I am filing this Reply Affidavit on behalf

21/10/23
**JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.**

of the 4th Respondent Tamil Nadu Pollution Control Board and as such I am well acquainted with the facts of the case from the available records.

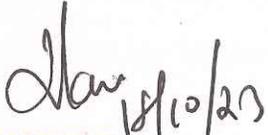
2. The answering respondent denies all the averments contained in the application except those that are specifically admitted hereinafter. None of the allegations contained in the said application shall be deemed to be admitted merely for want of a specific denial/ traverse.
3. Before responding to the averments contained in the application, the answering respondent submits the brief facts of the case for appreciation of this Hon'ble Tribunal.
4. It is respectfully submitted that the present application is filed by the Applicant praying for the following among other prayers:

a. Grant a permanent injunction against the 1st Respondent, their men, officials, representatives, others, etc. preventing them from illegally dumping of mixed solid wastes including sanitary waste, plastics and other household wastes, etc. in Babuji Koil Road, Kalasapakkam Taluk, Tiruvannamalai – 606 908.

b. Direct the 1st Respondent Block Development Officer, Kalasapakkam to remove the existing plastic wastes and solid wastes at Babuji Koil Road, Kalasapakkam Taluk, Tiruvannamalai- 606 908 and scientifically treat them.

c. Direct the 1st Respondent, the Block Development Officer to take punitive action against those who do not follow the norms prescribed under the Municipal Solid Waste Rules, 2016 with regarding to disposal of garbage in the said locality and also against those who are illegally dumping garbage in the said road.

d. Direct the 4th Respondent, the District Environmental Engineer (DEE) Pollution Control Board, Tiruvannamalai to inspect the Kalasapakkam Taluk and submit compliance report from time to time as may be prescribed by this Honourable Tribunal."


 JOINT CHIEF ENVIRONMENTAL ENGINEER
 TAMIL NADU POLLUTION CONTROL BOARD
 No.76, MOUNT SALAI, GUINDY,
 CHENNAI-600 032.

5. At the outset, it is respectfully submitted that, a petition was received by the 4th Respondent from the applicant on 23.01.2023, requesting to take action against the illegal dumping of municipal solid wastes along Babuji Kovil Road, Kadaladi village, Kalasapakkam Taluk & Tiruvannamalai District. In addition, another petition under Right to Information (RTI) Act was received by the 4th Respondent on the same date as above inter alia seeking information on whether any permission is given for dumping of garbage in Babuji Kovil Road.
6. It is respectfully submitted that with regard to the above, inspection of the site was carried out by the officials of this Respondent on 07.02.2023 and it was observed that lot of un-segregated municipal solid waste including plastic waste was found along Babuji Kovil Road at Kadaladi village, Kalasapakkam Taluk & Tiruvannamali District. Hence in order to take necessary action against the petition, a letter was addressed to the 1st Respondent for appropriate action vide letter dated: 09.02.2023 and reply to the petition was furnished vide letter dated:09.02.2023.
7. It is respectfully submitted that the 1st Respondent in response to the letter stated above has submitted that the solid wastes in the said area have been removed & disposed with the help of JCB without causing any hindrance to traffic vide letter dated: 03.05.2023.
8. It is respectfully submitted that in order to respond to the allegations of the Applicant in this application, the concerned site at Babuji Kovil Road, Kadaladi Village, Kalasapakkam Taluk & Tiruvannamalai District was inspected by the officials of this Respondent on 11.08.2023 and found that most of the solid wastes were removed from the site. Further the 1st Respondent was addressed to furnish the action taken report as per the Solid Waste Management Rules, 2016 vide letter dated: 16.08.2023 and the Tamil Nadu Pollution Control Board has issued Show Cause Notice to the 1st Respondent under Environment Protection Act, 1986 as amended for non-compliance of provisions of the Solid Waste Management Rules, 2016 vide TNPC Board Proceedings dated 17.10.2023.

Handwritten signature and date: 17/10/23

**JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.**

9. It is respectfully submitted that with regard to the paragraphs 1 to 4(q) the details have been sufficiently addressed in this reply affidavit.
10. It is respectfully submitted that, with regard to the Grounds (a-b), (c-e), the details have been sufficiently addressed in this reply affidavit.
11. It is respectfully submitted that paragraphs 1, 3, 4(a), 4(b)(i), 4(b)(ii), 4(c) to 4(g), 4(h) and 4(i), 4(j) to 4(o) and 4(q) are not related to this Respondent.
12. It is respectfully submitted that in paragraph 2, the address of the 4th Respondent is as follows: O/o. DEE, TNPCB, Tiruvannamalai, District Collectorate Master Plan Complex, Vengikkal, Tiruvannamalai Taluk & District - 606 604.
13. It is respectfully submitted with regard to allegations in paragraph 4(p), the 4th Respondent has acted upon the petition by investigation of the site and furnishing letter to the 1st Respondent for appropriate action. The 1st Respondent in response to the letter stated above has submitted that the solid wastes in the said area have been removed & disposed with the help of JCB without causing any hindrance to traffic vide letter dated: 03.05.2023. The site was again inspected on 11.08.2023 and found that most of the solid wastes were removed from the site. Further, the 1st Respondent has been addressed to furnish the action taken report as per the Solid Waste Management Rules, 2016 vide 4th respondent letter dated: 16.08.2023.
14. It is respectfully submitted that with regard to ground (a), the impugned dumping site at Babuji Kovil Road, Kadaladi Village, Kalasapakkam Taluk & Tiruvannamalai District was inspected by the officials of this Respondent on 11.08.2023 and found that most of the solid wastes were removed from the site. Further, the 1st Respondent has been addressed to furnish the action taken report as per the Solid Waste Management Rules, 2016 vide letter dated: 16.08.2023 and the Tamil Nadu Pollution Control Board has issued Show Cause Notice to the 1st Respondent under Environment Protection Act, 1986 as amended for non-compliance of provisions of the Solid Waste

Ar 17/10/23
 JOINT CHIEF ENVIRONMENTAL ENGINEER
 TAMIL NADU POLLUTION CONTROL BOARD
 No.76, MOUNT SALAI, GUNDIRY,
 CHENNAI-600 032.

RECEIVED
 TAMIL NADU POLLUTION CONTROL BOARD
 NO. 76, MOUNT SALAI, GUNDIRY,
 CHENNAI-600 032

Management Rules, 2016 vide TNPC Board Proceedings dated 17.10.2023.

15. It is respectfully submitted that grounds (c - e) are not related to this Respondent. The local body is a village panchayat . On receipt of public complaints on any environmental issues, immediate action is being taken by this Respondent to rectify the issues.

For the reasons stated above, it is therefore humbly prayed that this Hon'ble Tribunal may be pleased to dismiss the Application with costs and pass such order or other orders as this Hon'ble Tribunal may deem fit and necessary in the circumstances of the case and thus render justice.

Har
18/10/23
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.

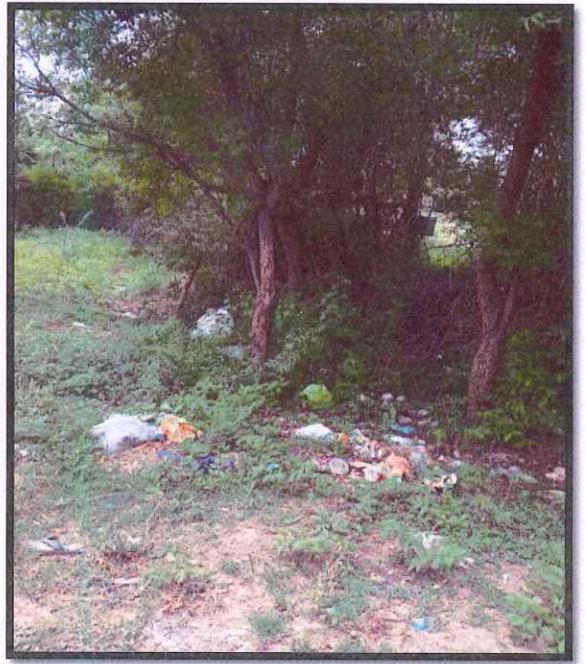
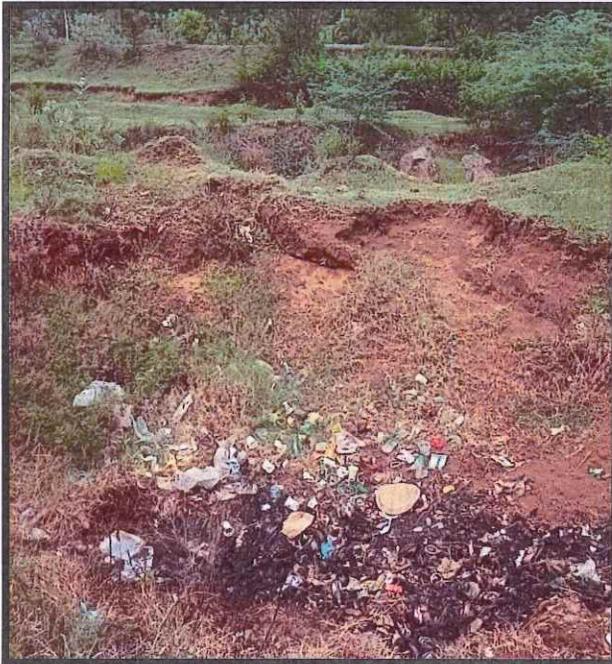
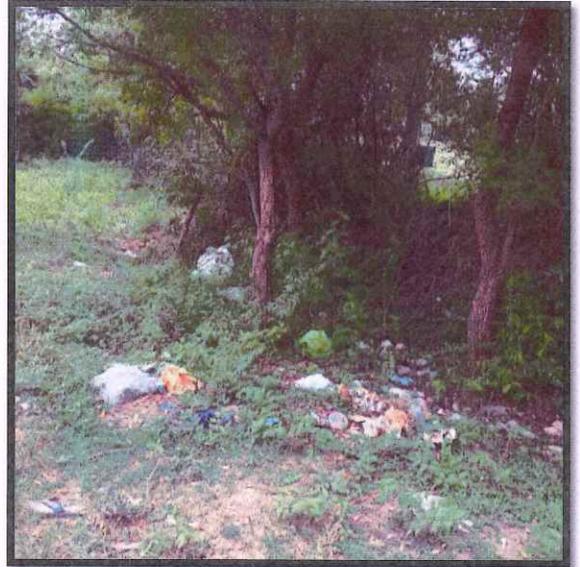
VERIFICATION

I, R. Sarasavani, D/o. Thiru, J. Raghavan, working as Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai-600 032, do hereby submit that the above contents are true to the best of my knowledge and belief through records.

Har
18/10/23
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.

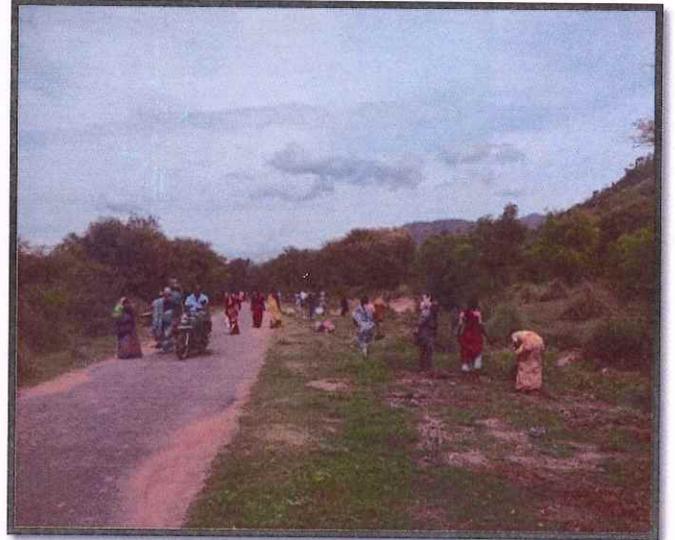
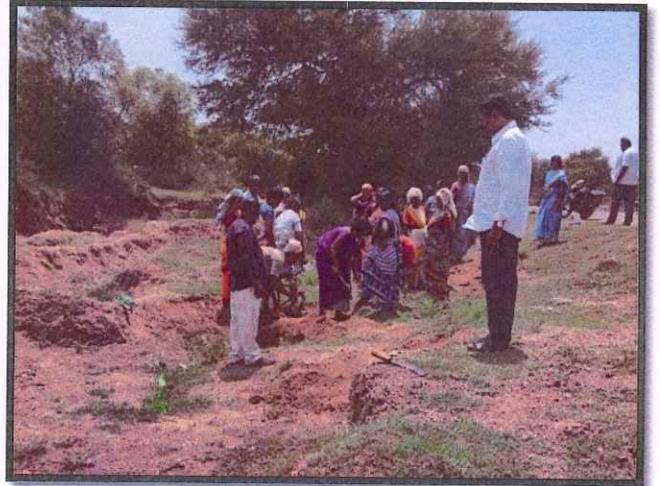
BEFORE CLEANING

Photographs showing the location of Kadaladi village, Kalasapakkam Taluk, Tiruvannamalai District with dumping of Solid wastes along the roads on 11.08.2023



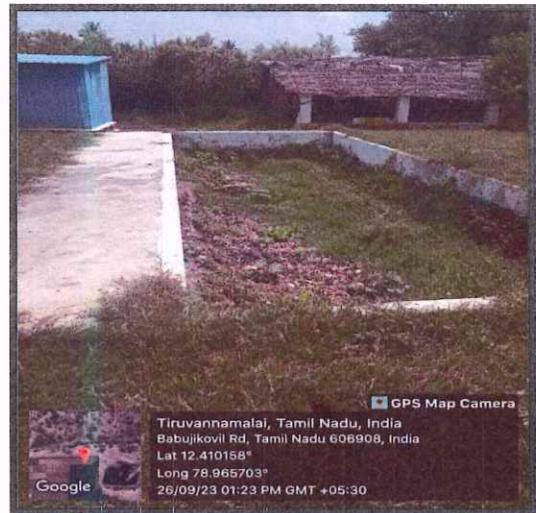
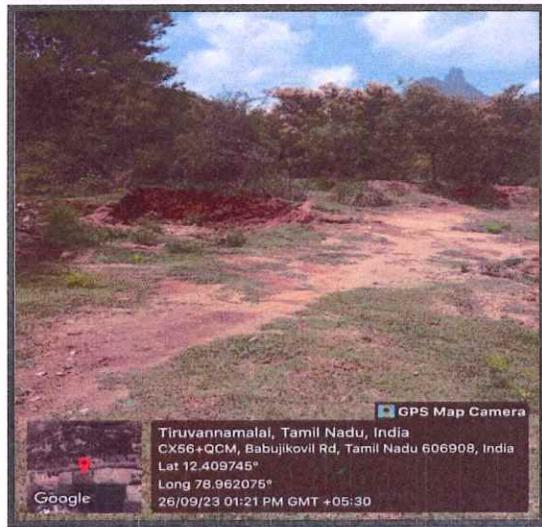
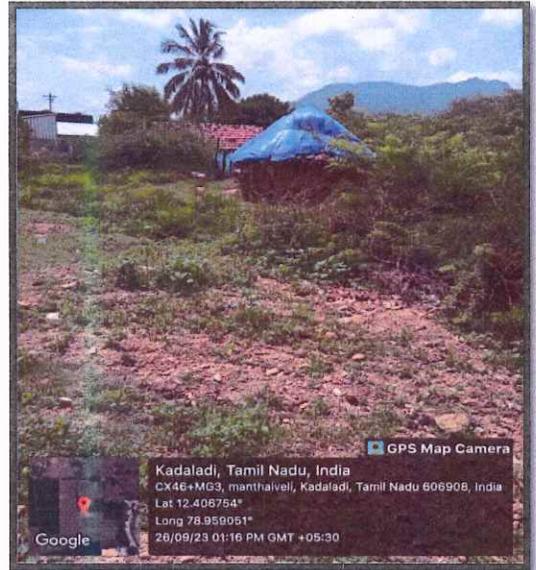
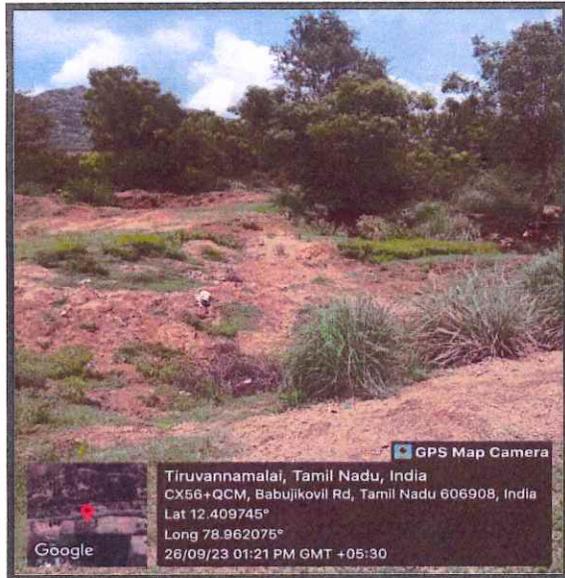
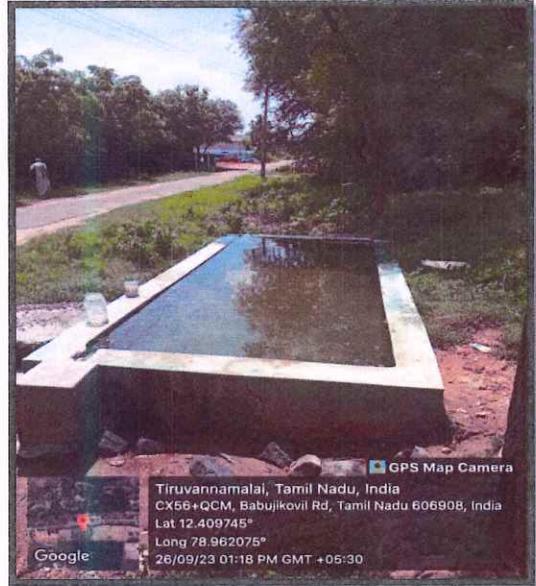
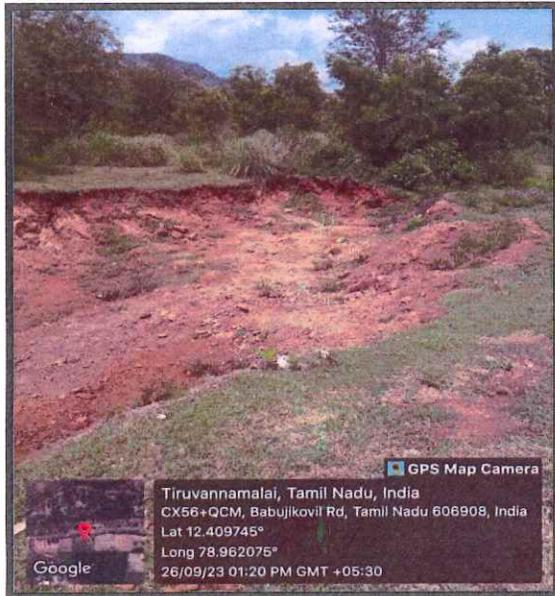
DURING CLEANING

Photographs showing the location of Kadaladi village, Kalasapakkam Taluk, Tiruvannamalai District during the cleaning work of solid wastes dumped in and around the hill area on 19.08.2023



AFTER CLEANING

Photographs showing the location of Kadaladi village, Kalasapakkam Taluk, Tiruvannamalai District after cleaning of dumped Solid wastes on 26.09.2023



**BEFORE THE NATIONAL GREEN
TRIBUNAL, SOUTHERN ZONE AT
CHENNAI.**

Original Application No.90 of 2023

In the matter of:

Shri S.P. Surendranath Karthik,
S/o. K.R. Subramanian,
No.9, Lake View Street,
Iyappa Nagar, Madipakkam,
Chennai- 600 091.

...Applicant

Vs

1. The Block Development Officer,
Kalasappakam – vilvarani Link Road,
Kalaspakkam, Tiruvannamalai,
Tamil Nadu- 606 751 & 3ors.

...Respondents

**REPLY FILED ON BEHALF OF THE 4TH
RESPONDENT- TAMIL NADU POLLUTION
CONTROL BOARD**

**Advocate for Respondent- TNPCB:
Thiru.S. Sai Sathya Jith,
Advocate, Chennai.**

Date:18.10.2023

Hearing date on:19.10.2023.